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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/688,287	10/16/2003	Shoji Kodama	16869B-080800US	9177
20350 7590 01/24/2007 TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834			EXAMINER DAYE, CHELCIE L	
			ART UNIT 2161	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		01/24/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/688,287

Applicant(s)

KODAMA, SHOJI

Examiner

Chelcie Daye

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 42, 44-50 and 52-65 is/are pending in the application.
- 4a) Of the above claim(s) 1-41 and 66-79 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 42, 44-50 and 52-65 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is issued in response to applicant's amendment filed November 24, 2006.
2. Claims 1-79 are presented. Claims 1-41 and 66-79 remain withdrawn, claims 43 and 51 are cancelled, and no claims added.
3. Claims 42,44-50, and 52-65 are pending.

Claim Objections

4. Claim 50 is objected to because of the following informalities: line 8 recites "determining whether the selected one is of the exports...". The term 'is' should be deleted. Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.
6. Claim 42 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Specifically, claim 42 recites "producing a first directory listing that is representative of all contents of a first directory for the selected export when the selected export is a second export to one of the client computers and producing a second directory listing that is representative of updated contents of a second directory

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for the selected export when the selected export is the first export to the search engine".

It is unclear to the examiner how the "selected export is a second export to one of the client computers", when the second limitation of the claim language states that a first export is provided to a plurality of client computers. Examiner is unsure whether there is an alternate export and if so, how the alternate export was produced. Just the same, examiner is unclear how the "selected export is the first export to the search engine", when the second limitation of the claim language states that a second export is provided to a search engine. Examiner is unsure whether this is also an alternate export and if so, how the alternate export was produced and the purpose for the count of the export going backwards.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. **Claims 42,43,50,51,54-56,62-65, are rejected under 35 U.S.C. 103(a) as being unpatentable over Kraft (US Patent No. 6,418,453) filed November 3, 1999, in view of Dutta (US Patent No. 6,636,854) filed December 7, 2000.**

Regarding Claim 42, Kraft discloses a method for accessing data comprising:

storing a plurality of files in a file server (Fig.1, Kraft). However, Kraft is silent with respect to providing a first export to each of a plurality of client computers and a second export to a search engine. On the other hand, Dutta discloses providing a first export to each of a plurality of client computers and a second export to a search engine (column 5, lines 38-53, Dutta). Kraft and Dutta are analogous art because they are from the same field of endeavor of improving techniques for gathering large amounts of information from a large number of resources on a network (i.e. search engine). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate Dutta's teachings into the Kraft system. A skilled artisan would have been motivated to combine as suggested by Dutta at column 1, lines 41-54, in order to connect a peer-to-peer network to form a distributed file-sharing system. As a result, the search requests provide a useful manner for finding new content that has not yet been indexed by the search engines. Therefore, the combination of Kraft in view of Dutta, disclose receiving a directory list request (column 3, lines 52-56, Kraft) for a selected one of the first and second exports (column 10, lines 47-52, Dutta); in response to receiving the directory list request, producing a first directory listing that is representative of all contents of a first directory for the selected export when the selected export is a second export to one of the client computers (column 9, lines 19-32, Dutta); in response to receiving the directory list request, producing a second directory listing that is representative of updated contents of a second directory for the selected export when the selected export is the first export to the search engine (column 10, lines 4-21, Dutta), files represented in the second directory listing being based on one or

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more criteria contained in a file filter table (column 9, lines 3-8, Dutta), wherein an index for the search engine is updated based on the second directory listing (column 10, lines 6-11, Dutta).

Regarding Claim 50, the combination of Kraft in view of Dutta, disclose a method for accessing data comprising:

storing a plurality of files in a file system on a file server (Fig.1, Kraft);

providing a plurality of exports of the file system to a plurality of client computers, respectively (column 5, lines 38-53, Dutta);

providing another export of the file system to a search engine (column 5, lines 38-53, Dutta);

based upon receiving a directory list request (column 3, lines 52-56, Kraft) for a selected one of the exports (column 10, lines 47-52, Dutta), determining whether the selected one is of the exports for one of the client computers or for the search engine (Fig.5C; column 11, lines 20-43, Dutta);

producing a first directory listing that is representative of all contents of a first directory for the export if the export is for one of the client computers (column 9, lines 19-32, Dutta); and

producing a second directory listing that is representative of updated contents of a second directory for the export if the export is for the search engine (column 10, lines 4-21, Dutta), wherein files represented in the second directory listing are determined based on one or more criteria contained in a file filter table (column 9, lines 3-8, Dutta),

wherein an index for the search engine is updated based on information in the second directory listing (column 10, lines 6-11, Dutta).

Regarding Claim 54, the combination of Kraft in view of Dutta, disclose a method for accessing data comprising:

storing a plurality of files in a file system on a file server (Fig.1, Kraft);

based on receiving a directory list request for a directory contained on the file server (column 3, lines 52-56, Kraft), determining if the directory list request originated from one of a plurality of client computers or a search engine using an identification attached to the directory list request (Fig.5B, item 546; column 10, lines 37-43, Dutta);

producing a first directory listing that is representative of all contents of the directory if the directory list request is from one of the plurality of client computers (column 9, lines 19-32, Dutta); and

producing a second directory listing that is representative of updated contents of the directory if the directory request is from a search engine (column 10, lines 4-21, Dutta), wherein files represented in the second directory listing are determined based on one or more criteria contained in a file filter table (column 9, lines 3-8, Dutta), wherein an index for the search engine is updated based on information in the second directory listing (column 10, lines 6-11, Dutta).

Regarding Claim 55, the combination of Kraft in view of Dutta, disclose the method wherein the identifier is an internet protocol (IP) address (column 1, lines 36-40, Dutta).

Regarding Claims 56 and 65, the combination of Kraft in view of Dutta, disclose in a file server, a method for providing access to files contained in the file server comprising:

- organizing the files in a file system (column 1, lines 23-28, Dutta);

- providing access to the file system to a search engine and a plurality of client computers (Fig.5B, item 546; column 10, lines 37-43, Dutta);

- storing information representative of the search engine and the plurality of client computers (column 11, lines 32-43, Dutta);

- receiving a directory list request for a first directory stored on the file server (column 3, lines 52-56, Kraft);

- producing a first directory listing that is representative of all contents of the first directory if the directory list request originated from one of the plurality of client computers as determined using the stored information (column 9, lines 19-32, Dutta);

and

- producing a second directory listing that is representative of updated contents of the first directory if the directory list request originated from the search engine as determined using the stored information (column 10, lines 4-21, Dutta), wherein files

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represented in the second directory listing are determined based on one or more criteria contained in a file filter table (column 9, lines 3-8, Dutta).

Regarding Claim 62, the combination of Kraft in view of Dutta, disclose the method further comprising providing exports to the search engine and the plurality of client computers (column 5, lines 38-53, Dutta).

Regarding Claim 63, the combination of Kraft in view of Dutta, disclose the method wherein the stored information includes a source address (column 9, lines 51-57, Dutta).

Regarding Claim 64, the combination of Kraft in view of Dutta, disclose the method wherein the source address is an IP address (column 1, lines 36-40, Dutta).

7. Claims 44-49,52,53,and 57-61, are rejected under 35 U.S.C. 103(a) as being unpatentable over Kraft (US Patent No. 6,418,453) filed November 3, 1999, in view of Dutta (US Patent No. 6,636,854) filed December 7, 2000 as applied to claims 42,43,50,51,54-56,62-65 above, and further in view of Hill (US Patent No. 7,020,658) filed June 4, 2001.

Regarding Claim 44, the combination of Kraft in view of Dutta, disclose the method having the one or more criteria. However, Kraft in view of Dutta are silent with

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respect to the criteria based on one or more of file types; file owner information; file creation dates; and file sizes. On the other hand, Hill discloses the criteria based on one or more of file types; file owner information; file creation dates; and file sizes (Fig.14, Hill). The combination of Kraft in view of Dutta, and further in view of Hill are analogous art because they are from the same field of endeavor of file management systems for browsers. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate Hill's teachings into the Kraft in view of Dutta system. A skilled artisan would have been motivated to combine as suggested by Hill at columns 2-3, lines 58-67 and 1-11, in order to easily and effortlessly identify unwanted/wanted files. As a result, causing the system to decrease intensive labor and improve efficiency.

Regarding Claim 45, the combination of Kraft in view of Dutta, and further in view of Hill, disclose the method wherein the file filtering table comprises one or more file types which indicate whether files are to be excluded from the second directory listing (Fig.15; column 16, lines 45-53, Hill).

Regarding Claim 46, the combination of Kraft in view of Dutta, and further in view of Hill, disclose the method wherein the file filtering table further comprises one or more of file owner information, file creation dates, file sizes (Fig.14, Hill).

Regarding Claims 47-49, the combination of Kraft in view of Dutta, and further in view of Hill, disclose the method wherein the file filter specifies which files are to be

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included in the second directory listing and which files are to be excluded from the second directory listing (Fig.11B; column 12, lines 41-46, Hill).

Regarding Claims 52 and 53, the combination of Kraft in view of Dutta, and further in view of Hill, disclose the method wherein the file filter specifies which files are to be included and excluded in the second directory listing (Fig.11B; column 12, lines 41-46, Hill).

Regarding Claim 57, the combination of Kraft in view of Dutta, and further in view of Hill, disclose the method wherein the file filtering table comprises one or more file types which indicate, by file type, whether files are to be excluded from the second directory listing (Fig.15; column 16, lines 45-53, Hill).

Regarding Claim 58, the combination of Kraft in view of Dutta, and further in view of Hill, disclose the method wherein the file filtering table further comprises one or more of file owner information, file creation dates, file sizes (Fig.14, Hill).

Regarding Claims 59,60, and 61, the combination of Kraft in view of Dutta, and further in view of Hill, disclose the method wherein the file filtering table comprises one or more criteria which indicate whether a file is to be excluded from the second directory listing and indicate whether a file is to be included in the second directory listing (Fig.11B; column 12, lines 41-46, Hill).

Response to Arguments

Applicant's arguments with respect to the newly amended claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action.

Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Points of Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chelcie Daye whose telephone number is 571-272-3891. The examiner can normally be reached on M-F, 7:00 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached on 571-272-4146. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Chelcie Daye
Patent Examiner
Technology Center 2100
January 9, 2007

Sana AL-Hashemi